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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,852	09/26/2005	Giorgio Bonmassar	325216/US/2-475387-00141	4083

26710 7590 04/22/2011  
QUARLES & BRADY LLP  
411 E. WISCONSIN AVENUE  
SUITE 2040  
MILWAUKEE, WI 53202-4497

EXAMINER
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NATNITHADHA, NAVIN

ART UNIT	PAPER NUMBER
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3735

NOTIFICATION DATE	DELIVERY MODE
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04/22/2011

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

pat-dept@quarles.com



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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9/26/05

BONMASSAR ET AL.

325216/US/2-475387-

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EXAMINER

NAVIN NATNITHITHADHA

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20110415

DATE MAILED:

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**Commissioner for Patents**

**NOTICE OF NON-RESPONSIVE AMENDMENT**

1. The prior Office Action, mailed 22 March 2011, was sent in error. Please ignore that Action. The following action communication below is in response to Applicant's Remarks and Amendment, filed 21 December 2010.
2. Newly submitted claims 100-125 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:  
Original Claims 14-68 and 80-90, classified in class 600, subclass 507, and the New Claims 100-125, classified in class 600, subclass 544, are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, subcombination, new claims 100-125 has separate utility such as detection of stroke in a subject. See MPEP § 806.05(d). Restriction for examination purposes as indicated is proper because the above inventions are independent or distinct for the reasons given above and there would be a serious search and/or examination burden if restriction were not required because the following reasons apply:  
(a) the inventions have acquired a separate status in the art in view of their different classification;  
(b) the inventions have acquired a separate status in the art due to their recognized divergent subject matter;  
(c) the inventions require a different field of search (for example, searching different classes/subclasses or electronic resources, or employing different search queries);  
(d) the prior art applicable to one invention would not likely be applicable to another invention;  
(e) the inventions are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph.  
Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 100-125 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.
3. Applicant's arguments, see Remarks, pp. 7-8, filed 21 December 2010, with respect to the rejection of claims 14-68 and 80-90 under 35 U.S.C. 102(b) as being anticipated by Hovland, U.S. Patent No. 6,015,393 A, have been fully considered, but are moot in view of election by original presentation discussed above.
4. A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ONE (1) MONTH OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available

under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to NAVIN NATNITHITHADHA whose telephone number is (571)272-4732. The examiner can normally be reached on Monday-Friday, 9:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor, II can be reached on (571) 272-4730. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Navin Natnithithadha/  
Examiner, Art Unit 3735